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PSYCHOLOGICAL STRATEGY BOARD
WASHINGTON, D. C.

October 19, 1951

MEMORANDUM FOR: THE EXECUTIVE SECRETARY
NATIONAL SECURITY COUNCILSUBJECT: Preliminary report on the Situation with Respect to Repatriation
of Prisoners of War

1. At the Senior National Security Council Staff Meeting of September 27, in connection with the discussion of United States courses of action in Korea, it was agreed that "the Psychological Strategy Board would undertake at once to prepare a preliminary report on the position of the United States with respect to repatriation and to exchange of prisoners of war". This problem was first officially posed in a Joint Chiefs of Staff memorandum for the Secretary of Defense, dated 8 August 1951, Subject: "Policy on Repatriation of Chinese and North Korean Prisoners". The substance of this memorandum is described in Enclosure "A", Staff Study of Repatriation of Prisoners of War in Korea.

2. In pursuance to this agreement I have had my staff prepare a staff study with recommendations on this subject, Enclosure "A". In the preparation of this staff study, PSB received the advice of Mr. Raymond Yingling and Mr. Arthur B. Emmons of Department of State, Major J. D. Mitchell, Office of the Secretary of Defense and [redacted] CIA, as well as the following outside Consultants:

a. Mr. Paul M. A. Linèbarger

b. Mr. Charles A. H. Thomson.

3. During the period of preparation of this staff study the following related actions occurred:

a. The Secretary of State commented upon the Joint Chiefs of Staff memorandum to the Secretary of Defense by letter, August 27, 1951. The substance of these comments, which differed in several essential respects with the views of the Joint Chiefs of Staff, is contained in Enclosure "A".

b. The Secretary of Defense addressed a memorandum on this subject to the Joint Chiefs of Staff, which requested the incorporation of his views into a re-examination of the problem by the Joint Chiefs of Staff. The substance of these comments appears also in Enclosure "A".

4. Enclosure "A" was prepared by the PSB Staff taking into consideration the aforementioned papers and advice.

5. Subsequent to the completion of this staff study, the Joint Chiefs of Staff met (on 12 October) to reconsider this subject. On the basis of decisions taken at that meeting the Joint Chiefs of Staff addressed a memorandum to the Secretary of Defense, 15 October 1951, Subject: "Policy on Repatriation of Chinese and North Korean Prisoners" in which the Joint Chiefs of Staff indicated that:

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a. They accede to the views of the Secretary of State that "our best hope for obtaining the prompt repatriation of United Nations personnel in the Korean war, as well as future wars, lies in our continuing firm adherence to the terms of the Geneva Convention."

b. They recommended the withdrawal of the proposed policy as set forth in their memorandum of 8 August 1951, "pending further consideration".

c. They are obtaining General Ridgway's views before preparing a new recommendation.

d. They now consider that these policies can be resolved by the Joint Chiefs of Staff with the Departments of State and Defense without referring them to the National Security Council.

6. In the course of a meeting of the Interdepartmental Committee on Prisoners of War, Mr. Yingling discussed the PSB staff study in order to obtain their views.

a. Members of the committee informally reiterated the necessity of keeping small the number of enemy prisoners of war released by us prior to the cessation of hostilities. This point is made in the staff study.

b. They objected to the idea of undertaking to resettle released prisoners of war outside Korea. The staff study has been amended to eliminate this recommendation.

c. They objected to giving any publicity to the release of prisoners of war. The staff study has not been changed to meet this criticism, inasmuch as it would defeat the psychological purpose of releasing such persons.

7. The PSB staff study (Enclosure "A") agrees with both the Joint Chiefs of Staff memorandum of 15 October, and the Secretary of State letter of August 27, to the effect that upon the cessation of hostilities the UN commander must abide by the provisions of the Geneva Convention of 1949, requiring the repatriation of prisoners of war. The PSB staff study is, however, more specific with respect to actions to be taken prior to cessation of hostilities, as well as psychological actions which might be taken to assist in the protection of US/UN Prisoners of War.

RECOMMENDATIONS:

8. It is recommended that the PSB staff study be made available to the Secretary of State, Secretary of Defense, and the Joint Chiefs of Staff in connection with any future consideration they may wish to give to this subject.

9. It is further recommended that PSB take no further action in this matter until requested by the National Security Council.

Gordon Gray
Gordon Gray
Director

Enclosure:

Staff Study

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18 October, 1951

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PSYCHOLOGICAL STRATEGY BOARD
STAFF STUDY ON REPATRIATION OF
PRISONERS OF WAR IN KOREA

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YI. THE PROBLEM

From the standpoint of psychological strategy to recommend U.S. policies governing the repatriation and exchange of prisoners of war in Korea.

II. FACTS BEARING ON THE PROBLEM

1. The U.S. is a signatory of the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, but has not yet ratified the Convention.
2. Official views are set forth as follows:
 - a. View of the Joint Chiefs of Staff.
 - (1) By memorandum to the Secretary of Defense, 8 August 1951, the Chairman of the Joint Chiefs of Staff indicated that from the military point of view, no objection was raised by the Joint Chiefs of Staff to the adoption of a policy authorizing the UN commander:
 - (a) Not to repatriate Chinese or North Korean prisoners of war to Communist-controlled territory without their full consent;
 - (b) To repatriate to Formosa all Chinese prisoners of war who were found to be acceptable to the Chinese Nationalist Government and who claim to be ex-Nationalists or Nationalists at heart and elect such repatriation;

The adoption of such policies to be subject to the provision of adequate safeguards for United Nations prisoners

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in Communist hands.

b. View of the Secretary of State.

(1) By letter, August 27, 1951 to the Secretary of Defense, the Secretary of State reviewed the 8 August 1951 memorandum by the Joint Chiefs of Staff. He expressed serious concern over the feasibility of carrying out the proposed policy without conflicting with the Geneva Prisoner of War Convention of 1949. He suggested that, in order to achieve the desired psychological warfare and humanitarian objectives, individuals who had rendered outstanding assistance to the United Nations command or whose return to the Communists would in all probability result in their deaths should be paroled as provided for in the Geneva Convention prior to the reaching of an armistice agreement.

(2) Additionally, the Secretary of State indicated that under no circumstances should Republic of Korea personnel who were forcibly pressed into the North Korean army (and subsequently recovered by UN forces) be returned to the Communists.

c. View of the Secretary of Defense:

By memorandum to the Joint Chiefs of Staff, 25 September 1951 the Secretary of Defense indicated that while he recognized the military advantages inherent in General Ridgway's present instructions, authorizing him to negotiate an exchange of prisoners of war on a one-for-one basis, he felt that, in order to avoid any solution which might involve bargaining with the welfare of our own prisoners, General Ridgway should be ad-

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vised initially to seek exchange of prisoners of war on a one-for-one basis but that he be authorized to agree to an overall exchange, if such action were deemed necessary in order to effect the release of our own prisoners of war.

III. DISCUSSION

See TAB A.

IV. CONCLUSIONS

1. There is no perfect safeguard to prevent Communist reprisals against US/UN POW's short of forcibly liberating them. However, expectations with respect to reprisals can be greatly influenced by the specific psychological actions we take to put the Hostile Power in a defensive position with respect to the treatment of prisoners of war (See TAB B).
2. It appears from the Convention that parole of POW's prior to the cessation of hostilities, as recommended by the Secretary of State, can be accomplished in accordance with the Geneva Prisoner of War Convention of 1949. Furthermore, by implication, prisoners of war can be given the right of voluntary release without parole prior to cessation of hostilities. The genuineness of the voluntary character of the release can best be shown by inspection and observance by a neutral body such as the International Red Cross.
3. An all-for-all principle of prisoner exchange offers a better chance of the return of US/UN prisoners of war than does any limited one-for-one method of exchange. However, for administrative purposes CINCUNC might well

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be advised to exchange prisoners group-for-group, composed of mixed CCF and NKPA for mixed US/UN and ROK groups.

4. There is adequate moral and legal justification for releasing to the Korean government ROK military personnel who were impressed by the North Korean regime and subsequently recovered,

V. RECOMMENDATIONS

1. That subject to security requirements the United States take action to release unconditionally prior to the termination of hostilities, selected enemy prisoners of war in small numbers who express the desire not to be repatriated at the close of hostilities; that adequate provision be made for their subsistence and welfare.
2. That in order to demonstrate full compliance with both the spirit and the letter of the Geneva Convention, the United States publicly notify the Hostile Powers of the unconditional release of such prisoners of war, to include a statement of the humanitarian reasons which governed such action.
3. That the United States policy with respect to exchange of prisoners of war upon cessation of hostilities be on an all-for-all basis. Administratively, this should be handled by exchanges in equal numbers (one-for-one), each group exchanged to be of mixed nationality, with the expectation that some US/UN prisoners will be returned in each group.
4. That Republic of Korea personnel forcibly enrolled in the North Korean people's army and subsequently

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recaptured by United Nations forces be released to Republic of Korea jurisdiction.

5. That vigorous measures in support of the above-recommended policies be undertaken by the Psychological Operations Coordinating Committee of the Department of State along the general lines indicated in TAB B.

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TAB A

III. DISCUSSION

1. The basic problems involved in formulating U.S. policy towards prisoners of war are:

- a. The complications of the legal requirements under the Geneva Convention Relative to the Treatment of Prisoners of War of August 12, 1949, including the psychological consequences of any suggested modifications to or violations of that Convention.
- b. The dilemma of liberalizing U.S. policy with respect to repatriation of enemy prisoners of war while maintaining adequate safeguards for the protection of UN prisoners in the hands of the Communists (as well as public confidence in the adequacy of those safeguards.)

2. Legal position and its psychological consequences.

- a. The United States has signed but has not ratified the Geneva Convention of August 12, 1949 for the Protection of War Victims. Without prejudice to the question of ratification, it is the announced policy of the United States to abide by the provisions of this Convention, with respect to the Korean conflict. This policy of scrupulous adherence to international agreements is accepted as a fundamental controlling consideration in the resolution of the problem.
- b. International law recognizes the following ways of terminating captivity: Parole, exchange, simple release without parole, successful flight, liberation by an invasion of the Army to which the prisoners belong, transportation to neutral territory by captors who take refuge in such

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territory, and termination of hostilities. (Oppenheim, 3d edition, Vol. II, p. 195)

- c. Article 118 of the Geneva Prisoner of War Convention requires the repatriation of all prisoners of war upon the cessation of hostilities.
- d. There is, however, no restriction upon release without repatriation prior to the cessation of hostilities. This can be accomplished with or without parole. Under the Convention the permissibility of parole is governed jointly by the policy of the Detaining Power and the policy of the Power on which the prisoner depends. Assuming the Detaining Power offers parole, the conditions under which the prisoner may accept parole are governed by the rules stated by his government at the beginning of hostilities. The two hostile regimes have failed to impose any such rules with respect to the Korean conflict, and enemy prisoners may therefore accept parole if they wish. If parole is permissible, then, by inference release without parole is also permissible if the Detaining Power so elects.

3. Policy Prior to Cessation of Hostilities

- a. It appears then that a policy of releasing prisoners of war is feasible which does not require modification of the Geneva Convention. This policy would entail the voluntary release of prisoners of war prior to the cessation of hostilities either with or without parole. To be effective from the propaganda standpoint, such release must include arrangements for the future welfare of these persons.

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- b. The wholesale release of enemy POW's does not appear desirable for the following reasons:
 - (1) It would considerably increase the risk of reprisals.
 - (2) It would pose difficult administrative problems of screening and resettlement.
 - c. Selective release with or without parole would serve the purpose of permitting publicity on the granting of asylum, without the disadvantages cited above.
4. Psychological duplications of this policy.
- a. General
 - (1) In order to maintain its position of caring for prisoners of war according to the letter and spirit of the Convention, the United States should notify the Hostile Power of the unconditional release of such prisoners of war.
 - b. Specific advantages
 - (1) It would re-enforce the principle of United Nations asylum from tyranny.
 - (2) The effectiveness of future United States psychological warfare programs would be enhanced by the adoption of this policy.
 - (3) It would obviate the disadvantage cited in the Joint Chiefs of Staff memorandum of 8 August of establishing a precedent contrary to Article 118 of the Prisoner of War Convention of 1949.

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c. Specific Disadvantages of Recommended Policy

- (1) The Hostile Power might impose deprivations on US/UN prisoners of war as a retaliatory measure, although this is much less likely in the case of selective release than of wholesale release. This might exert psychological pressure upon Allied publics and US/UN troops, although it is not predictable whether these psychological effects would result in strengthening or weakening of Allied morale. This disadvantage can be in part offset to the extent that specific psychological actions by the U.S. (See TAB B) effectively place the Hostile Power on the defensive with respect to treatment of prisoners of war.
- (2) The disadvantage cited in sub-paragraph 3d of the Joint Chiefs of Staff paper (that UN action might be used by the Communists as a reason for breaking off peace negotiations) is not considered fundamental, inasmuch as political issues more important to the interests of the Hostile Power than the prisoner of war issue exist as agenda items.

6. Policy Upon Cessation of Hostilities.

- (a) Exchange of prisoners on a one-for-one basis is subject to the disadvantage that the Communists can impress Koreans and pass them off as genuine POW's. This would enable them to retain a residue of US/UN prisoners after all exchanges have been made.

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- (b) Exchange of POW's on an all-for-all basis offers the best assurance of the protection and return of US/UN prisoners of war. This should be our announced policy.

Administratively, the return of US/UN prisoners of war can be accelerated by exchanges of groups mixed in nationality, on an approximate basis of one-to-one. Lack of good faith on the part of the Communists can thus be detected early, and propaganda designed to influence their actions can be instituted.

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